

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, P.A.,

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07-CV-10502 (LBS)

Plaintiff,

-against-

NATIONWIDE MUTUAL INSURANCE
COMPANY, INC.,

Defendant.

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NOTICE OF NATIONWIDE MUTUAL INSURANCE COMPANY'S
MOTION TO DISMISS THE COMPLAINT

PLEASE TAKE NOTICE that upon the Declaration of Lorin A. Donnelly, Esq., dated January 25, 2008, the exhibits annexed thereto and the accompanying Memorandum of Law, Defendant NATIONWIDE MUTUAL INSURANCE COMPANY i/s/h/a NATIONWIDE MUTUAL INSURANCE COMPANY, INC. will move this Court, pursuant to Fed. R. Civ. P. 12(b)(6) on the 7th day of February, 2008, before Judge Leonard B. Sand at the United States District Court for the Southern District, 500 Pearl Street, New York, NY, for an Order dismissing the Complaint. The grounds for this motion are more fully set forth in the accompanying Memorandum of Law.

Dated: Woodbury, New York
January 25, 2008

Respectfully submitted,

MILBER MAKRIS PLOUSADIS

& SEIDEN, LLP

By: *Lorin A. Donnelly*
LORIN A. DONNELLY [0791]

Attorneys for Defendant

NATIONWIDE MUTUAL INSURANCE
COMPANY i/s/h/a NATIONWIDE MUTUAL
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